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Docket No. CDS-226

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Thomas J. Cummins et al.

Serial No.: 09/675,828

Art Unit: 1637

Filed

: September 29, 2000

Examiner: T. E. Strzelecka

For

: DIAGNOSTIC COMPOSITIONS, ELEMENTS, METHODS AND TEST KITS FOR AMPLIFICATION AND DETECTION OF TWO OR MORE DNA'S USING PRIMERS HAVING MATCHED MELTING

TEMPERATURES

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner For Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on

March 29, 2004
(Date of Deposit)

Catherine K. Gowen (Name of applicant, assignee, or Registered Representative)

March 29, 2004

(Date of Signature)

Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

FIRST SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Dear Sir:

This copy is supplemental to the Information Disclosure Statement mailed on June 5, 2002.

Pursuant to 37 C.F.R. §1.56 and in accordance with 37 C.F.R. §§1.97-1.98, information relating to the above-identified application is hereby disclosed. Inclusion of information in this statement is not to be construed as an admission that this information is material as that term is defined in 37 C.F.R. §1.56(b).

Applicants reserve the right to establish the patentability of the claimed invention over any of the information provided herewith, and/or to prove that this information may not be prior art, and/or to prove that this information may not be enabling for the teachings purportedly offered.

This statement should not be construed as a representation that a search has been made, or that information more material to the examination of the present patent application does not exist.

In accordance with §1.97(b), since this Information

Disclosure Statement is being filed either within three months				
of the filing date of the above-identified national application				
(other than a continued prosecution application under				
§1.53(d)), within three months of the date of entry into the				
national stage of the above identified application as set forth				
in §1.491, or before the mailing date of a first Office Action				
on the merits of the above-identified application, or before				
the mailing date of a first Office Action after the filing of a				
request for continued examination under \$1.114, no additional				
fee is required.				
The aggordance with \$1 120/a) this Information				
In accordance with §1.129(a), this Information				
Disclosure Statement is being filed in connection with \square the				
first or second After Final Submission, therefore:				
Statement in Accordance with §1.97(e)				
(attached); or				
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In accordance with §1.97(c), this Information Disclosure Statement is being filed after the period set forth in §1.97(b) above but before the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311, or an action that otherwise closes prosecution and that it is accompanied by one of: Statement in Accordance with §1.97(e) (attached); or \boxtimes Please charge Deposit Account No. 10-0750/CDS-226/CKG the fee of \$180.00 as set forth in **§**1.17(p). In accordance with §1.97(d), this Information Disclosure Statement is being filed after the mailing date of either a Final Action under §1.113 or a Notice of Allowance under §1.311 but before the payment of the Issue Fee. Applicant(s) hereby petition(s) for consideration of this Information Disclosure Statement. Included are: Statement in Accordance with §1.97(e) as set forth below and the fee of \$180.00 as set forth in \$1.17(p). X Copies of each of the references listed on the attached Form PTO-1449 are enclosed herewith. Copies of references listed on the attached Form PTO-1449 are enclosed herewith EXCEPT THAT: П In view of the voluminous nature of references [list as appropriate], and the likelihood that these references are available to the Examiner, copies are not enclosed herewith.

If any of the foregoing publications are not					
available to the Examiner, Applicant will					
endeavor to supply copies at the Examiner's					
request.					
roquese.					
Copies of only foreign patent documents and non-					
patent literature are enclosed in accordance with 37 CFR 1.98					
(a)(2). (The U.S. patents and each U.S. patent application					
publication listed on the attached Form PTO-1449 are not					
enclosed because this U.S. patent application was filed after					
June 30, 2003 or this international application has entered the					
national stage under 35 USC §371 after June 30, 2003 (see USPTO					
waiver of requirement under 37 CFR 1.98 (a)(2)(i).					
walvel of requirement under 37 Crk 1.30 (a)(2)(1).					
oxtimes There are no listed references which are not in the					
English language.					
The relevance of those listed references which are					
not in the English language is as follows:					
<pre>Attached are copies of search report(s) from</pre>					
corresponding patent application(s), which are listed on the					
attached Submission Under MPEP 609 D.					
Copies of the references listed on the search					
report(s) are included except for those previously cited in an					
IDS mailed .					
Attached are the following non-published pending					
patent applications which may be deemed relevant, which are					
listed on the attached Submission Under MPEP 609 D.					
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Please charge any deficiency or credit any overpayment to Deposit Account No. 10-0750/CDS-226/CKG. This form is submitted in triplicate.

Respectfully submitted,

Catherine K. Gowen Reg. No. 32,148

Attorney for Applicants

Johnson & Johnson One Johnson & Johnson Plaza New Brunswick, NJ 08933-7003 (732) 524-2681 DATED: March 29, 2004

PTO/SR/08A (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary) Sheet 1 of 1

of a collection of information unless it displays a valid OWB control number.			
Application Number	09/675,828		
Filing Date	September 29, 2000		
First Named Inventor	Thomas J. Cummins		
Group Art Unit	1637		
Examiner Name	Teresa E. Strzelecka		
Attorney Docket Number	CDS-226		
	4		

U.S. PATENT DOCUMENTS U.S. Patent Document Date of Publication Name of Patentee or Applicant Pages, Columns, Lines, Kind Code² Examiner Cite where relevant passages or relevant figures appear of Cited Document of Cited Document Initials (if known) Number No.1 mm-dd-yyyy 6,709,813 В1 Lynn Bergmeyer et al. 03-23-2004

FOREIGN PATENT DOCUMENTS Foreign Patent Document Date of Publication Pages, Columns, Lines, of Cited Document where relevant Name of Patentee or Examiner Cite passages or relevant T^6 mm-dd-yyyy Applicant of Cited Document Initials figures appear Office³ Number4 KindCode⁵ No.1

Examiner	Date	
Signature	Considered	

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